

Secure Virginia Panel Third Set of Recommendations

Government Operations and Funding Education

Schools, colleges and universities are subject to potential terrorism events and natural and man-caused emergencies and disasters. Their facilities particularly represent potential targets because large numbers of youth and young adults are together in mass settings.

The level of accessibility varies. Most K-12 institutions have minimal outside unregulated individual traffic but students of this age lack the experience of how to react in a crisis situation. Community Colleges tend to be very transient in nature with significant potential for un-regulated traffic through their facilities daily, particularly with part-time students. Colleges and Universities also have significant unregulated traffic but have the added dimension of providing housing for many students. They also have attendance by foreign students. Common to all is the periodic gathering of large numbers of people at single sites for special events. Providing safety and security through planning, physical and cyber security as well coordination with parents, local and state authorities, is a huge and complex task.

Because no institution of higher education is separated from its community, many of the extreme emergencies we might confront require that colleges and universities be positioned structurally and operationally with community partners - for planning, for training and for exercises. Communication among and with local first responder and emergency management entities is critical. Few, if any, of our campuses currently have communications equipment that allows them a direct link to local fire, police, Emergency Medical Services and other emergency services and vice versa.

1. The Governor should approve making certain campus police eligible for federal “first responder” funding administered by the state.

To support the critically important upgrade in communications and personal protective equipment needed on most of our campuses for protection and interoperability with other emergency responders.

To tailor state delivered planning, training and exercising requirements delivered through state agencies for communities to incentivize closer partnerships with campus safety and security activities.

Especially for residential campuses, it is critical that university emergency response teams have the means to be in communication with students, faculty and staff and that campuses possess capabilities to effectively manage an event and especially to shelter their residential population in the event of a serious incident - radiological, biological

or natural. Many campuses at present lack back-up power and safe water supplies even if they have space that could be used to offer shelter.

- 2. The Governor should designate the Secretaries of Public Safety and Education to develop an Emergency Management Planning and Organizational Template for Colleges and Universities and an Assessment Guide for emergency sheltering capabilities.***

The faculty and students of Virginia institutions of higher learning are already involved in important research and scholarly activity related to many of the issues being addressed by the Secure Virginia Panel. Creating a means for that work to have a wider impact and encouraging other faculties and our graduate student communities to undertake similar efforts offers important dividends for our Commonwealth and for higher education.

- 3. The Governor should direct the Secretary of Education to identify a process that promotes colleges and universities direct participation with local government and first responders.***

It is critical that Crime and Violence Reporting in Schools be improved. These indicators can assist in developing needed prevention and deterrence strategies to reduce violence, irrespective of its nature. The sub-panel recognizes the delicate balance that must be maintained between an open learning environment that promotes the free exchange of ideas and providing needed security. That balance must recognize underlying primary need for the safety of the public, both in terms of the school system or campus as well as adjoining community.

- 4. The Governor should direct the Secretary of Public Safety to develop and provide Crime and Violence Reporting guidelines as a basic reference tool for all K-12 schools and school divisions. These guidelines should include uniform, mandatory definitions of criminal offenses in keeping with Code of Virginia 22.1-280. and provide a uniform reporting form for these criminal offenses (similar to IBR) to be collected under the direction of one state agency. Virginia guidelines should be based (in part) on the new publication recently developed by the National Center for Education Statistics – “Safety in Numbers.”***

Crisis Management Planning is the cornerstone of making schools safer and more secure. The simple fact is that the level of planning varies between school divisions and colleges and universities due to the absence of measurable standards. Furthermore, the requirement for planning is driven more by the individual interest of administrators rather than a uniform accountability. Thus, the level of safety, security and preparedness to respond to any event remains variable. The current bifurcation of responsibilities between state agencies for developing planning guidance and implementing measurable annual assessments contributes to this.

5. ***The Governor should direct the Secretaries of Education and Public Safety to assess current organizational structure for K-12 school emergency planning and make recommendations to him by January 15, 2003. These should make clear the responsibility of state agencies in developing school Crisis Management Plans and in assisting with training and technical guidance, including a standard threat assessment protocol.***

Safety Audits become the cornerstone of assessing vulnerabilities and capabilities of schools to mitigate the threats they face. This data, however, also can become a valuable tool for those who would seek to do harm. It is imperative that the data be used for its intended purpose but be free from inappropriate disclosure.

6. ***The Governor should seek legislation to provide an FOIA exemption for portions of the school safety audit process dealing with security weaknesses and vulnerabilities.***

The Governor should seek legislative authority to designate one state agency, as jointly determined by the Secretaries of Public Safety and Education, for process development, measurement, and follow up of the safety audit process. This will insure qualitative and quantitative results in a timely manner.

Verifying the authenticity of identification of students and, in the case of foreign students, their eligibility to attend institutions of higher learning in the United States is a shared responsibility between the federal and state government as well as the individual educational institution. Federal guidelines for strengthening eligibility for foreign students to study in the U.S. are being tightened. It is also critical that there be clear authority and responsibility for administrators to verify eligibility and to share student information with law enforcement authorities concerning students and staff who may be involved in illegal activities.

7. ***The Governor should direct the Secretary of Education in cooperation with the Office of the Attorney General to establish a Task Force for the purpose of developing clear guidelines for school administrators regarding student eligibility verification and the sharing of student information related to possible or actual criminal activity. The Task Force should have relevant representation of K-12 educators and administrators, Community Colleges and four-year colleges and universities (public and private), law enforcement, local, state and federal prosecutors and civil liberties representatives and relevant federal agencies. The Task Force should be prepared to make recommendations concerning statutory changes and clarification prior to the upcoming session of the Virginia General Assembly.***

Health and Medical

The Hazardous Waste Operations and Emergency Response Standard (29 CFR 1910.20) is applicable to hospital personnel involved in the decontamination of patients exposed to hazardous materials, including terrorist events. The standard mandates the type of personal protective equipment and training required concerning the use of the equipment as well as procedures necessary to decontaminate the patient and provide appropriate protection for both personnel and the environment. Its intent in application to hospital personnel was for industrial exposures with a limited number of patients and does not adequately reflect its potential application to a Weapon of Mass Destruction event.

The Panel believes that the unintended consequence of this mandate, in light of today's environment, is a fiscally impracticable burden and increased liability exposure during a Weapon of Mass Destruction event with large numbers of casualties. A true mass casualty event could necessitate the use of hospital personnel not normally trained to this standard in order to provide appropriate levels of medical care. The Panel believes that evolving strategies to decontaminate patients prior to entry into a hospital setting should make allowance for differing levels of personal protective equipment and training for hospital providers

- 8. The Governor should request that the U.S. Office of Homeland Security review this federal regulation and determine if it should remain as a mandated standard for terrorist events involving Weapons of Mass Destruction. Based upon the results of this review an updated regulation and guidance should be provided to hospitals concerning the type of personal protective equipment, and the type and amount of training, required.***

Transportation

There are 61 licensed public-use airports in Virginia that do not fall under any government security standards. Consequently, the Department of Aviation is pursuing the development of a voluntary Airport Security Certification Program. The program will encourage these 61 airport sponsors to develop Airport Security Plans. Those sponsors who receive certification will be given higher points on their requests for grant-in-aid, providing a strong financial incentive for all General Aviation airports to participate. They intend to reach 100% participation through the certification process. Adding to the significant importance of this issue is the fact that many of Virginia's airports lie within a short flight of the Nations Capital.

- 9. The Governor should direct the Secretary of Transportation to identify strategies to expand the ongoing Department of Aviation Airport Security Certification program.***

The Department of Aviation is establishing, along with the Department of Taxation, a process by which state aircraft licensing records can be cross-referenced and matched with data bases developed by the FAA. This information will be used to more accurately determine aircraft location, and could assist in uncovering unusual or inconsistent behavior with regard to aircraft activities.

10. The Governor should direct the Secretaries of Transportation and Public Safety develop a process to integrate State aircraft licensing data into the information fusion center being developed as part of the new State Emergency Operations Center/Criminal Intelligence Center.